

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

V.D., individually and on behalf of J.M.D. and N.M.D., minor children; T.S., individually and on behalf of C.S., a minor child; S.K., individually and on behalf of A.K., a minor child; P.E.T. and H.T., individually and on behalf of D.T., a minor child; and B.C., individually and on behalf of D.C., a minor child,

Plaintiffs,

v.

STATE OF NEW YORK; ANDREW M. CUOMO, GOVERNOR (in his official capacity); LETITIA JAMES, ATTORNEY GENERAL (in her official capacity); NEW YORK STATE EDUCATION DEPARTMENT; MARYELLEN ELIA, COMMISSIONER OF NEW YORK STATE EDUCATION DEPARTMENT (in her official capacity); and ELIZABETH BERLIN, EXECUTIVE DEPUTY COMMISSIONER OF NEW YORK STATE EDUCATION DEPARTMENT (in her official capacity),

Defendants.

**DECLARATION OF  
ELYCE N. MATTHEWS  
IN OPPOSITION TO  
PLAINTIFFS' MOTION  
FOR A PRELIMINARY  
INJUNCTION**

19-CV-4306 (ARR)(RML)

ELYCE N. MATTHEWS declares pursuant to 28 U.S.C. § 1746:

1. I am an Assistant Attorney General in the office of Letitia James, Attorney General of the State of New York, and counsel of record for Defendants State of New York, Governor Andrew Cuomo, Attorney General Letitia James, the New York State Education Department ("SED"), SED Commissioner MaryEllen Elia, and SED Executive Deputy Commissioner Elizabeth Berlin (collectively, the "Defendants"), in the above-captioned action.

2. I submit this declaration in opposition to Plaintiffs' motion for a preliminary injunction for the limited purpose of providing the Court with true and correct copies of the following documents.

3. A true and accurate copy of the June 14, 2019 Statement on Legislation Removing Non-Medical Exemption from School Vaccination Requirements ("Legislation Statement") is annexed hereto as **Exhibit A**.

4. A true and accurate copy of the New York State Senate Introducer's Memorandum ("Senate Memo") is annexed hereto as **Exhibit B**.

5. A true and accurate copy of the New York State Assembly Introducer's Memorandum ("Assembly Memo") is annexed hereto as **Exhibit C**.

6. A true and accurate copy of Governor Andrew Cuomo's June 13, 2019 Press Release is annexed hereto as **Exhibit D**.

7. A true and accurate copy of SED's July 2008 Memorandum Regarding New Requirements for the Provision of Special Education Services to Home-Instructed ("Home-Schooled") Students ("DeLorenzo Memo") is annexed hereto as **Exhibit E**.

Dated: New York, New York  
August 13, 2019

/s/  
Elyce N. Matthews